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APPLICATION NO. 0022292	FILING DATE 12/18/98	FIRST NAMED INVENTOR WADAKA	ATTORNEY DOCKET NO. 2565-136P
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MM71/0327

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EXAMINER

BUDD, M

ART UNIT

2834

PAPER NUMBER

DATE MAILED: 03/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 2-25-00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) 16-23 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4 (12-8-98)

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 2834

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and indefinite in that only a single acoustic device is defined i.e. one upper electrode and one lower electrode, thus how can a pattern shape be changed by position. That is, if there were two resonators each could have different shape/area electrodes, but this situation does not exist with only a single resonator. If the claim is meant to merely state that one of the electrode was trimmed during manufacture, this is unclear. Also, such a statement would be structurally meaningless to the finished article (which does not care how it was formed). Claim 4 is vague and indefinite in that it contradicts parent claim 1. How can a single electrode include a plurality of electrodes? In claim 7: what is an air bridge?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-15 (as understood) are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Vale, Many, Krishnaswamy or Carson..

Further cited of interest are Weber and Suzuki (Thin film resonators); Fujiwara, Japan (804) and Japan (691) (electrode adjustment) and Wolfskill (fig. 7).

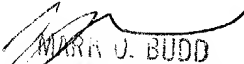
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Applicants traversal of the lack of unity of invention has been noted. Applicants state that each of claims 1, 15 and 16 contain the same special technical feature" but have not actually identified such a feature. Thus the lack of unity holding is seen to be valid and remains.

Budd/dc  
March 22, 2000

  
MARK J. BUDD  
PRIMARY EXAMINER  
ART UNIT 212